

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, January 19-20, 2007 – 8:00 a.m.  
Glendale Civic Center  
5750 West Glenn Drive  
Glendale, Arizona 85301

**PRESENT: (Commission)**

Chairman Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode  
Commissioner Jennifer L. Martin

**(Director's Staff)**

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Chairman Melton called the meeting to order at 8:09 a.m. The Commissioners introduced themselves and Chairman Melton introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated January 16, 2007.

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**Awards and Commissioning of Officers**

Jon Fugate presented three awards on behalf of the Yuma Valley Rod and Gun Club. One was for the outgoing Commissioner, Chairman Melton, in appreciation for his support and contributions towards wildlife conservation in Arizona. The second award was for Bruce Taubert, who recently retired from his position with the Department as Assistant Director, Wildlife Management Division. Mr. Taubert's award was for 30 years of unselfish dedication to wildlife conservation in Arizona. A third award was presented to Department employee, Laura Canaca, who has been working in the position of Department-BLM Liaison since 2004, participating in the ongoing BLM Resource Management Plan revisions and in developing new plans for Arizona's National Monuments. Ms. Canaca's award was presented in appreciation for superb efforts in wildlife conservation and support of sportsmen on public lands in Arizona.

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**1. State and Federal Legislation**

**Presenter:** Anthony Guiles, Legislative Liaison

The Commission was provided with a Legislative Update on the status of bills affecting the Department. The legislative session started approximately two weeks ago. The Department has been meeting with legislators and has been occupied dealing with budget recommendations. This coming Monday, the Joint Subcommittees in the House and the Senate will be adopting and making a recommendation on the Department's budget request.

Approximately 800 bills have been introduced so far with many of those just introduced in the past week before the deadline. Mr. Guiles presented several House Bills (HB) and Senate Bills (SB) to the Commission and asked for direction, which the Commission provided as follows:

HB 2116: Big game permits; grandchildren, and HB 2117: Big game permits; transfers. The Commission voted to support these bills at the January 16, 2007 Telephonic Commission meeting. Mr. Guiles provided an update. There was an amendment to one of the bills to clarify that a guardian could also be included in the field with the child.

HB 2093: Goldwater Range; concurrent jurisdiction.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2093.

**Vote:** Unanimous

HB 2137: Game and Fish Licenses; disabled veterans. The Department is still analyzing this bill's potential impact on the Department. Mr. Guiles will get back with the Commission early next week with the final analysis of this bill and a Department recommendation.

HB 2227: Restaurants; illegal feeding of wildlife. Mr. Guiles met with Representative McClure as directed by the Commission at the January 16, 2007 Telephonic Commission meeting. This bill is in regards to a certain restaurant in Tucson, Arizona. Representative McClure would like the Department to meet with the restaurant owners and try to work out a solution before moving forward with this legislation.

HB 2443: Off-Highway Vehicles; user fee. This bill is a place holder as discussed at the January 16, 2007 Telephonic Commission meeting. The language will basically be from the Department proposals offered in a presentation provided to the Commission at the December 9, 2006 Commission meeting (proposal 2, which was the same as proposal 1 except it would maintain the existing OHV Recreational Fund, which is the gas tax). There is a meeting this afternoon to discuss and develop the language for this bill. Commissioner McLean will be attending that meeting.

Commissioner Golightly stated for the record that he did not want to see the Department get stuck with no funding and with all the responsibility, and with no enforcement ability.

SB 1026: Extreme DUI; sentence, and S1029: DUI; extreme; 0.20 concentration enhancement. The Department mirrors the OUI statutes with the DUI statutes as much as possible. The Department would like to meet with the sponsor of this bill and ask for an amendment to include that those DUI statutes be mirrored in the OUI statutes.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO SUPPORT SB 1026 and SB 1029 AND FURTHER DIRECT THE DEPARTMENT TO PURSUE THE NECESSARY AMENDMENTS SO THAT AN OUI IS TREATED THE SAME AS A DUI.

**Vote:** Unanimous

HB 2122: Game and Fish Commission; bison. Mr. Guiles noted that this bill is a place holder and will not be used in regards to bison.

HB 2167: Primary Care Facilities Fund; lottery proceeds, and HB 2168: Historic Homes Fund; lottery proceeds. These two bills will be closely monitored because they would allow funding from lottery proceeds and may have an impact on the Department.

HB 2144: Retirement; PSPRS; D.R.O.P.; contributions. The Department is currently working on an analysis of this bill to see if it will impact the Department.

HB 2314: Zoning; shooting ranges; noise buffer. This is a place holder bill. Commissioner McLean requested that the Department closely monitor this place holder bill.

HB 2411: Firearms; loaded weapons; storage, and HB 2412: Prohibited possessors; gun storage. The Commission requested close observation of these two bills.

HB 2315: Public Lands Board of Review; membership. Commissioner Hernbrode asked if this bill was tied to the public referendum that was not passed last year. Mr. Guiles will talk with the sponsor and get back with the Commission on the intention of this bill.

Chairman Melton noted that there were some lawsuits and legislative activities in other states (Minnesota and Maine) in an effort to prohibit trapping, claiming that it is necessary to outlaw trapping in order to protect endangered species. Chairman Melton asked Mr. Guiles to research this and report back to him.

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## 2. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

**Presenter:** Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addressed decisions or activities since the December 2006 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Avey briefed the Commission on two additional updates: 1) The Yuma BLM Field Office recently completed their Resource Management Plan (RMP) and released it for public review. All public comments are due to the Yuma BLM Field Office by March 15, 2007. Department staff is currently working on Department comments on the RMP; (2) Progress continues toward completion of the BLM Master Memorandum of Understanding (MOU) between the Commission and BLM regarding future cooperation and coordination. BLM and the Department met and discussed clarifications of minor language in the MOU related to filing water rights on existing and future wildlife water developments and guidance under the recently signed policies and guidelines for the fish and wildlife management in wilderness areas. This week, BLM staff finalized their review of the proposed language and the Master MOU will now be sent to the Solicitors Office of both BLM and the Commission.

(Public Comment – One request from the public to speak on agenda item #2 was overlooked and addressed at the end of agenda item #3)

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### 3. Hunter Education Update

**Presenter:** Ty Gray, Education Branch Chief

Using a Power Point presentation, Mr. Gray briefed the Commission on Department activities related to the Hunter Education program, including the development of revised curriculum materials and an online Hunter Education course that has been approved by the Director in accordance with A.R.S. 17-332(D)(2)(c).

In 2004, the Department established a team to analyze strategies to retain and recruit new hunters. The team developed 12 initiatives and one of those initiatives was to make Arizona's hunter education more accessible by implementing enhancements to the Department's Hunter Education Program that promote course convenience and flexibility to the customer, while at the same time developing adaptive management and evaluation practices that allow for continuous improvement. To facilitate this, the Hunter Education staff was charged with: 1) Identifying areas of the state where demand for Hunter Education classes exceeds the availability of classes; 2) Increasing the number of classes and delivery methods to provide greater flexibility and convenience to customers; 3) Developing and implementing a self study Hunter Education program that meets all national standards; 4) Updating and revising the Hunter Education course curriculum to improve the content organization, the quality of the teaching materials, and to ensure that minimum standards are met, while at the same time delivering the course materials in a streamlined fashion that ensures maximum customer participation; and 5) Implementing a process of continuing evaluation and instructor in-services trainings to ensure the quality and consistency of courses is maintained.

The Department's Hunter Education Staff conducted a round of statewide Hunter Education instructor meetings in June 2006 to solicit input on the development of an independent study and revised classroom course. In July 2006, the Department conducted an instructor focus group to incorporate suggestions received during the first round of meetings into the development of a course curriculum and lesson plan including field day and tests for both courses. The Department conducted a second round of instructor meetings in August 2006 to solicit comment on the Draft lesson plan developed in the focus group.

The Department further developed the course curriculum, which was to be the same for both the classroom and independent study courses, and lesson plans by incorporating instructor input from the second round of meetings. This was used to conduct a Pilot Program to further evaluate the curriculum and delivery methods of both courses. Participants in the Pilot Program completed either the classroom or independent study course and attended a field day which included a proctored exam. Participants also provided feedback through an online questionnaire which was used to further modify and develop the course curriculum and lesson plans.

In November 2006, the Department conducted the third and final round of instructor meetings to present the draft course outline and solicit additional comments. In December 2006, the course

outline and lesson plans were again modified to incorporate instructor comments and a Draft Final lesson plan was sent to every instructor for a final review. The Department has made final modifications to revise the curriculum based on this additional input. In addition, during the last two rounds of instructor meetings, the Department received comments on in-service training opportunities and developed and scheduled instructor training programs to be implemented in 2007.

Commission Golightly asked about the \$15 fee that is charged by the online vendor for those who complete the online course.

Mr. Yost addressed the Commission stating that the Department must go through the required procurement process for state agencies and that the \$15 fee was the lowest fee of any vendor, and also that the \$15 fee was in line with the national average.

Commissioner Martin clarified with Mr. Gray that there was no fee for the online course itself, but only the \$15 fee for the Certificate of Completion.

Commissioner Hernbrode clarified with Mr. Gray that the classroom instructors could still teach the same course, to which Mr. Gray stated that they could, but they were encouraged to use the new curriculum and updated materials.

#### Public Comment

Keith Paul, Chief Hunter Education Instructor, did not address the Commission, but was available to answer any questions, if necessary.

Russ Gunderson, President, Arizona Shooting Sports Education Foundation, and Chief Hunter Education Instructor, addressed the Commission in support of the online course and will continue to teach the traditional course as well.

Chairman Melton asked if the online course would eventually replace classroom instructors.

Mr. Gunderson stated that he believed it would not. The classroom is still necessary to teach the traditional combo course, which is only available through the traditional classroom method. There is no other way to get certified in archery in the state. Further, there are those who just prefer the interface classroom setting and are not comfortable with the Internet.

Blaine Bickford, a Hunter Education Instructor from Springerville, asked how the online course would work for license revocation situations. Mr. Bickford believed that there was a benefit to having game violators interact with their hunting peers in a classroom setting. Additionally, Mr. Bickford was concerned about teaching hunter ethics and firearm safety to hunters of small game.

Commissioner McLean stated that the online course would work the same as a classroom course in revocation situations.

Randy Lamb, YVRGC, suggested that additional archery safety information be added to the online course.

Commissioner McLean noted that the online course was missing a segment by not including at least some basic archery safety components in the course for those who hunt primarily with archery tackle.

Mr. Gray stated that additional archery safety information will be added.

Commissioner Golightly stated for the record that when the online concept was first approached, he heard a lot of grumbling from former and current Department Hunter Education Instructors and he was no longer hearing any grumblings.

Mr. Gray stated that through the public meeting process most of the people accepted that there was a need for it. They helped develop it and they felt that this was a good product.

The Commission agreed that the Department has done a good job with the online course and gave direction to move forward with the program.

#### Public Comment

Chairman Melton held a Speaker Card for agenda item #2 that was overlooked and offered to address it at this time.

Nick Heatwole, Legislative Chairman, YVRGC, stated support for the KOFA National Wildlife Refuge's completion of a draft Environmental Assessment (EA) that allows for one mountain lion to be taken per year; however, the U.S. Fish and Wildlife Service in Washington has suspended any and all plans for new hunting on any refuge because of some ongoing court matters relating to hunting on refuges. YVRGC would like to see that plan remain in place and move forward. Additionally, it would not be possible to manage for the objective of 800 Desert Bighorn Sheep with a sustainable lion population occurring on the refuge at the same time. YVRGC would like to see the Department work with the KOFA National Wildlife Refuge to maintain the current sheep objectives.

Commissioner McLean stated that this will definitely be a topic of discussion at the April Commission meeting in regards to harvest objectives in the KOFA Units.

Commissioner Golightly requested to re-open agenda item #2 for discussion regarding the Lands Update after the next break.

The Commission continued discussion of the online Hunter Education course and how it relates to license revocations and requested that this be a future agenda item.

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Meeting recessed for a break at 9:56 a.m.

Meeting reconvened at 10:26 a.m.

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#### 2. (continued) An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

**Presenter:** Josh Avey, Habitat Branch Chief

Commissioner Golightly requested a briefing and an update on the current status of the Big Ranch A analysis from Bob Posey, Region IV Supervisor in Kingman (see attached Lands Update, page 5, Kingman Field Office).

Mr. Posey provided a briefing and reported that BLM continues to make verbal commitments to address Department concerns, but does not follow through on those commitments. Mr. Posey recommended that the Department put in writing a chronology of events that clearly outlines the actions taken by the Department and the actions taken by BLM, and that the Department look into grazing regulations and NEPA laws to see what administrative and legal parameters there might be, and then provide the Commission with a recommendation on the best course of action. Sheep numbers have decreased by more than half in the last five years. The Department's biggest issue is with the number of acres of available forest and how the analysis was completed. The Department does not come up with the same numbers. Another concern is that a fire in that area blackened a significant number of acres. Waters are another issue in which the grazing lessee has been allowed to put water sources up high on the mountain slopes in order to get cattle up there to graze on the forage.

Commissioner Golightly stated that BLM is not dealing with the Department openly. BLM is saying that the person or persons making commitments to the Department did not have the authority to do that, and now they want to basically ignore the Department's protest and talk about the analysis on a bigger scale. BLM is in the process now of doing the Black Mountain Ecosystem Management Plan (EMP) which encompasses the whole area and rolls the ranches, including the Big Ranch A, into the total analysis. Then, after that, they will be able to address the Department's concerns. It is now 2007, so by the time the EMP process is completed it will be 2008 or longer.

Commissioner Golightly requested that Mr. Posey distribute copies of a letter he received from BLM dated November 29, 2006 to the Commission (attached to these minutes), and further stated that the issue is not with all the ranches. This is a specific portion of the Black Mountains that has been exposed to probably the most severe drought in 30 years, compounded by two severe fires right across the top of the mountain in prime sheep habitat, and the concern is with the number of cattle that could be prescribed to graze the top of that mountain. This is the issue the Department has been dealing with for the past three years.

Commissioner McLean asked about the number of cattle allowed to graze, to which Mr. Posey stated that the cattle are grazing, but at a reduced number. Also, the rancher is waiting in limbo with this situation to make a decision to increase his cattle.

Commissioner Golightly and Mr. Posey further discussed that it would take about 6 months to complete an analysis on the Big Ranch A.

Mr. Posey noted that the Department received a written commitment from BLM dated July 5, 2005. (attached to these minutes) and a verbal commitment in 2006.

Commissioner Golightly recommended that the Commission bear down on this issue; the Big Ranch A allotment separate from the Black Mountain EMP. There are three options: 1) an administrative remedy including court action; 2) send the Director to Washington to get some attention in this matter; and 3) draft a letter from the Director and/or the Commission and try to get this issue elevated.

Director Shroufe stated that he will be meeting with the BLM State Director this week on this and other issues, and further suggested that a legal analysis be completed to see if anything can be done before sending a letter. The analysis could be completed within the next couple of weeks and with the Commission's authority to sign, he would sign the letter and it could be sent out right away.

The Commission agreed to take the Director's recommendation.

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#### 4. Statewide Shooting Range Briefing

**Presenter:** Ty Gray, Education Branch Chief

The Commission was provided with an update prior to this meeting of Department activities related to shooting range support and development statewide. The update covered activities that occurred since the December 2006 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Using a Power Point presentation, Mr. Gray provided an additional update with pictures of three ranges: 1) Renovations continue at the Ben Avery Shooting Facility (BASF) Clay Target Center; 2) the private landowners adjacent to the St. Johns Shooting Range are not willing to sell, however, the County is offering them a land exchange, which was well received by their representative who will be presenting the landowners with this offer; and 3) the status of plans and upcoming activities for developing the Northern Arizona Shooting Range.

Commissioner McLean asked about timeframes for Phase I and Phase II of the development of the Northern Arizona Shooting Range, to which Mr. Gray stated that he would discuss that with the Department's Development Branch and bring that back to the Commission.

Chairman Melton asked Mr. Posey about the Tri-State Shooting Range.

Mr. Posey stated that the BLM Kingman Field Office has been very helpful with this situation. The issues with developing the Tri-State Shooting Range are cultural issues with the Mohave Indian Tribe regarding spirituality. This is a difficult and intangible thing to resolve. An Alternative Dispute Resolution process has been completed with no resolution. This issue has now been sent to an advisory committee in Washington DC that deals with cultural issues. It does not look favorable, however, a conference call will take place at the end of the month, and Mr. Posey suggested that the Department stay the course and continue to pursue this shooting range.

Commissioner Hernbrode asked for an update on the public restroom issues at the Sierra Vista Shooting Range.

Mr. Gray stated that work is in progress to get those restrooms operational as soon as possible.

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#### 5. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting for review and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Shroufe presented all of these items to the Commission and none were deemed necessary for removal for further discussion.

a. Request for the Commission to Approve a Cooperative Agreement to Allow Transfer of Treated Waste Water from the Town of Eagar to the Commission-Owned Springerville Marsh, Apache County, Arizona.

**Presenter:** Josh Avey, Habitat Branch Chief

The Town of Eagar (Town) has excess treated wastewater available for disposal. This cooperative agreement would allow the Town to dispose of excess treated wastewater at the Springerville Marsh Wildlife Area (WA). Consistent with the Department's management plan for the Springerville Marsh WA this effluent will provide wetland habitat primarily for nesting, feeding and resting of waterfowl and other wetland and riparian associated birds, mammals and reptiles. The Springerville Marsh WA is currently receiving treated wastewater from the Town of Springerville under a separate agreement. This additional effluent will provide habitat for the benefit of native wildlife.

The Department recommended that the Commission VOTE TO APPROVE A COOPERATIVE AGREEMENT TO ALLOW TRANSFER OF TREATED WASTE WATER FROM THE TOWN OF EAGAR TO THE COMMISSION-OWNED SPRINGERVILLE MARSH, APACHE COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve a Memorandum of Understanding with Salt River Project for the Purposes of Protection and Enhancement of Fish and Wildlife Resources.

**Presenter:** Josh Avey, Habitat Branch Chief

The Salt River Project (SRP) manages water and power resources while addressing effects of these actions on state species of concern including federally listed threatened and endangered fish and wildlife resources. SRP has an interest to work cooperatively with the Commission for the protection and enhancement of fish and wildlife resources. The Memorandum of Understanding provides a framework for future agreements to provide for the protection and enhancement of fish and wildlife resources throughout the State of Arizona.

The Department recommended that the Commission VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH SALT RIVER PROJECT FOR THE PURPOSES OF PROTECTION AND ENHANCEMENT OF FISH AND WILDLIFE RESOURCES AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Memorandum of Understanding with United States Fish and Wildlife Service (USFWS) regarding rocket net charges

**Presenter:** Leonard L. Ordway, Game Branch Chief

The Arizona Game and Fish Department has traditionally purchased rocket net charges to capture wildlife for conducting the business of wildlife management in Arizona. The charges are used to propel rockets to carry nets over deer, elk, turkeys, waterfowl, and other wildlife. There has been an agreement in place between the USFWS and Department to purchase these charges. The USFWS is now requiring all states to sign a new MOU to continue to purchase rocket net charges.

The USFWS acquired M-6 propellant from the Department of Defense in 1995 and shipped the propellant to a secure facility for storage. This is a military propellant and it cannot be sold to the public. The USFWS supplies the propellant to Winn-Starr Inc., for manufacture of rocket net charges. By executing this MOU, the service authorizes the Department to purchase rocket net charges from Winn-Starr. The MOU has been reviewed by the Office of the Attorney General and is ready for Commission/Department signature. The Department is already in full compliance with all conditions and assigned responsibilities of the MOU.

The Department recommended that the Commission VOTE TO APPROVE AND AUTHORIZE THE SIGNING OF THE MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES FISH AND WILDLIFE SERVICE TO ALLOW THE DEPARTMENT TO CONTINUE TO PURCHASE ROCKET NET CHARGES FROM WINN-STARR, INC., AS FACILITATED BY THE SERVICE.

d. Consideration of the 12A Habitat Stamp Fund Budget for Calendar Year 2007 and Consideration of a New Cooperative Agreement for the Next Five Years.

**Presenter:** Ron Sieg, Flagstaff Regional Supervisor

Each year the Commission is asked to approve the budget for the 12A Habitat Fund for the next calendar year. The Kaibab National Forest and the Department jointly developed this budget proposal. (A synopsis of expenditures during FY 2006 was provided to the Commission prior to this meeting for review.) Additionally, the Department's current agreement with the Kaibab National Forest expired December 31<sup>st</sup>, so the Commission was asked to consider approval of a new 5-year Cooperative Agreement.

Calendar Year 2007 Proposed Budget:

Beginning Balance (as of 10/11/06)	\$46,349
Estimated 2006 12A Stamp Sales \$52,000	\$46,800

10% AGFD Administrative fee	\$(5,200)	
Total Available during Calendar Year (CY) 2007		\$93,149

**Planned Activities for 2007:**

NEPA - The decision on the West Side Habitat Improvement Project environmental assessment is expected to be released in late-November 2006. However, legal actions may carry over into Calendar Year (CY) 2007. Salary for one FS employee (5 days, \$1835) to handle residual NEPA obligations is included in the 12A funds expense projection below.

Cultural Resources - Implement 1,500 acres of interseeding shrubs in burned uplands (part of the 5,550 acres surveyed for cultural resources in 2005-2006). Stamp funds will pay \$8,600 for site avoidance marking in the field from the 12A Stamp fund with \$10,000 from KNF funds. Implementation funding will come from SB 1441 funds. Also, cultural clearances will be conducted by Forest Staff on 2 new waters (Slide Crossing, White Pockets). \$3,000 in Stamp funds will be used for these surveys

ESA Candidate Plants - FS funds will be used to conduct surveys for the Fickeisen Pincushion Cactus within the Westside project area. This plant is a candidate for listing under the Endangered Species Act. Stamp Funds will also be used for these cactus surveys on the two newly proposed waters.

Program Management - Actions inherent to maintaining inter-agency agreements, billing and disbursements will be supported by FS funds. Actions to maintain corporate records and submit reports beyond activities associated with cultural resource surveys will be paid out of FS funds.

Category	Estimated Expenditure	Stamp Funds	KNF Funds
Program Administration and Implementation	\$10,000	\$0	\$10,000
Cultural Resource: field site marking, site monitoring, quality control for 1,500 acres of Westside seeding and survey and clearance of two new waters	\$21,000	\$11,000	\$10,000
Construction of two new waters (Slide Crossing/White Pockets)	\$80,690	\$80,690	\$0
Botanical clearances (Fick cactus)	\$5,000	\$1,310	\$3,690
Total	\$116,690	\$93,000	\$23,690

Estimated CY07 Ending Balance: \$149

The Department recommended that the Commission VOTE TO APPROVE THE 12A HABITAT STAMP FUND BUDGET FOR CALENDAR YEAR 2007 and AUTHORIZE SIGNING OF THE NEW 5-YEAR COOPERATIVE AGREEMENT.

**Motion:** Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C, AND D.

**Vote:** Unanimous

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6. Macauley Petition to Close Certain Roads on State Trust Land Approximately Seven Miles North of Williams, Arizona

**Presenter:** Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission and provided a map for review. Mr. Macauley was present to answer any questions the Commission may have. Michael Macauley submitted a petition to close multiple unnamed roads on State Trust lands in Coconino County to vehicular access. The two-track roads are dispersed over the Perrin Ranch, which is located approximately seven miles north of Williams, Arizona. This proposed closure would be part of a cooperative stewardship agreement and road management plan.

Much recreational use occurs on the Perrin Ranch year-round. During hunting season, an average of over 500 vehicles per month use the ranch. Mr. Macauley would like to manage this high use while still allowing adequate vehicular access on the ranch. These proposed road closures would affect approximately thirteen miles worth of existing two-track road. These roads are interior two-track roads that originate off the 3 major roads, which provide access throughout the ranch. The petition includes some wildcat roads and some roads created by past wood cutting operations, and certain ranch roads which provide alternate access points to the roads that Mr. Macauley wants to restrict vehicular access on. Most of the petitioned roads would be closed by means of informative signs; six roads will be ripped and restored to their natural state.

The primary purpose of this proposed closure is to prevent further resource damage to soils, existing roads and vegetation on the ranch. Currently, the ruts created on the existing roads, allow for accelerated soil erosion, which will continue to down cut and exacerbate resource damage in the future. This resource damage is especially prevalent during periods of precipitation and high soil moisture.

Non-motorized access will be allowed on all of the petitioned roads. Furthermore, vehicular access for the purpose of game retrieval will be allowed on all of the petitioned roads except for six roads which will be ripped and rehabilitated. The Arizona State Land Department supports this closure because it is a reasonable means of protecting soil, vegetation and watershed, as well as providing continued public access.

Commissioners Martin and McLean visited the ranch and ranch owner with Department staff. They agreed that the request was reasonable and expressed appreciation for the ranch staying open to hunting.

**Motion:** Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE PETITION TO CLOSE MULTIPLE ROADS ON STATE TRUST LAND APPROXIMATELY SEVEN MILES NORTH OF WILLIAMS.

**Vote:** Unanimous

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7. Automated License Systems (ALS) Current Status of Online Applications for the Antelope and Elk Draw

**Presenter:** Harry Seck, Acting Assistant Director, Special Services Division

Mr. Seck briefed the Commission on the online application for the antelope and elk draw. The application process went live on Tuesday at 9 a.m. January 16, 2007. As of 7:30 p.m. January 18, 2007, 9,565 online applications and 2,610 manual applications were received. The online process is going well with only a few minor issues. As part of the system update, ALS conducted a load and stress test and the results indicated that their hardware and software demonstrated the capacity to handle the Department's maximum load. Also, one significant improvement in the application process is that individuals are now allowed to go in and change their credit card or debit card information in case, for example, if their cards have been lost or stolen. Overall, the application process is going well and there have been no complaints.

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19. Election of Positions and Appointments to Standing Committees

**Presenter:** Duane L. Shroufe, Director

The Commission considered and voted to elect a Commission Chair and Vice-Chair for 2007 as follows:

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER MICHAEL GOLIGHTLY TO THE POSITION OF CHAIRMAN FOR THE YEAR 2007 COMMENCING ON MONDAY, JANUARY 22, 2007.

**Vote:** Unanimous

**Motion:** Hernbrode moved and Melton seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER BILL MCLEAN AS THE VICE-CHAIR FOR THE YEAR 2007 COMMENCING ON MONDAY, JANUARY 22, 2007.

**Vote:** Unanimous

Commissioner Golightly, as the new Chair for 2007, appointed Commissioners to the following standing committees through January 2008 (subject to change if so desired):

- Heritage Public Advisory Committee – Commissioner Hernbrode, Chair
- Habitat Partnership Committee – Commissioner McLean, Chair
- Landowner-Lessee/Sportsman's Relations Committee – Commissioner Martin, member
- Wildlife Assets Committee – Commissioner Golightly, Chair

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8. Call to the Public

Ronald D. Schofield, representing himself, expressed concern for bass fishing at Saguaro, Canyon, and Apache Lakes and requested that the Commission and Department do some studies and focus on re-habitation of these lakes. Also, Mr. Schofield would like to see the limit reduced at Roosevelt Lake.

Ernest Banz, representing himself and other concerned warm water anglers, expressed concern for bass fishing and the reduction in opportunity in the Salt River chain of lakes, specifically Saguaro, Canyon and Apache.

Jim Patterson, representing himself, expressed concern for warm water fishing and provided the Commission with statistics and information obtained from the Department's website related to major fish kills on the Salt River chain of lakes attributed to blue green alga in 2004 and golden alga 2005. It has been almost two years since the last major fish kill. The lakes have a solid forage base now to feed on. Mr. Patterson requested that the Department consider a move to restore warm water fisheries with a proactive and aggressive management program and to restock the lakes.

Commissioner Golightly requested that this issue be on the agenda for the February Commission meeting and to look into what it would take to get those fisheries up and running.

Debra Hover, representing herself, completed a Speaker Card but was not present; however, a copy of an email was provided to the Commission in which Ms. Hover expressed her concerns for bass fishing at Saguaro Lake and requested that the Department make it a top priority to restore the lake's bass fishing opportunities.

Dennis Anderson, representing himself and other bass fisherman, expressed his concerns about the devastation to bass fishing at Apache, Canyon and Saguaro Lakes and requested that the Department develop a plan to recover those lakes.

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Meeting recessed for lunch at 12:00 p.m.

Meeting reconvened at 1:00 p.m.

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Commissioner McLean attended another meeting this afternoon and was not present for the remainder of today's Commission meeting.

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9. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

\* \* \* \* \*

10. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Pat Barber, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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Meeting recessed for a break at 3:32 p.m.

Meeting reconvened at 3:51 p.m.

\* \* \* \* \*

11. Request by Mr. Erv Comer for a Hearing to Reinstate His Bonus Points for Elk from the Fall 2006 Big Game Draw.

**Presenter:** Pat Barber, Law Enforcement Branch Chief

Mr. Erv Comer requested a hearing before the Arizona Game and Fish Commission to request that his 13 bonus points for elk be reinstated from the fall 2006 big game season. Mr. Comer's request is based upon the fact that Department records did not show Mr. Comer was under a license revocation in the State of Colorado, which is a member of the Wildlife Violator Compact Agreement. Because the State of Colorado did not notify the Department of his license revocation, he was not automatically rejected from the draw and was able to apply for the fall 2006 hunts and was drawn for elk (#3010). Subsequent to being drawn, Mr. Comer was contacted in the field and advised that the State of Arizona is mandated, pursuant to the Wildlife Violator Compact, to recognize the suspension of his license privileges from the State of Colorado.

Mr. Comer was not present, but sent a letter to the Director. Copies were provided to the Commission prior to this meeting for review and consideration.

**Motion:** Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY MR. COMER'S REQUEST FOR A REHEARING TO REINSTATE HIS BONUS POINTS.

**Vote:** Unanimous

4 to 0

McLean absent

\* \* \* \* \*

12. Director's Goals and Objectives – 2007

Presenter: Duane L. Shroufe, Director

The Commission discussed with Director Shroufe his list of goals and objectives for 2007.

Public Comment

Landis Aden, Arizona State Rifle and Pistol Association (ASRPA), addressed the Commission and requested that Shooting Ranges and Shooting Sports be included in the Director's Goals and Objectives.

Commissioner Golightly requested that ASRPA get more involved in shooting ranges around the state, in particular, the Northern Arizona Shooting Range, which could use the support of his organization.

Mr. Aden stated that ASRPA is willing to do any request that is needed and offered to write a letter to the Forest Supervisor and Representative Renzi.

The Commission agreed to continue with the Goals and Objectives from 2006 with the following changes (also subject to additional revision during the year):

- Remove Goal 1 (Actively secure cooperation at all levels of government that will assist the Department's planning efforts to ensure that wildlife will be a significant part of Arizona's future)
- Change Goal 2 to read "Increase Access to Public, Private and State Lands"
- Add to Goal 5a "Improve warm water angler opportunity"
- Remove Goal 8 (Look into the possibility of providing the book "A Field Guide to Amphibians and Reptiles in Arizona" to each Arizona School Library).

Commissioner Hernbrode requested that the Director's Goals and Objectives be on the agenda for the February Commission meeting and that the Commission each bring their individual priorities that they would like to see in the Goals and Objectives for 2007.

\* \* \* \* \*

13. Commission Review of the Department's Mission Statement

Presenter: Steve K. Ferrell, Deputy Director

The Commission reviewed and discussed the Department's Mission Statement. At the December Commission meeting, the Commission discussed Commissioner Martin's suggestion to incorporate shooting sports into the mission statement following watercraft and OHV and to leave the rest as it is.

Public Comment

Landis Aden, ASRPA, expressed support of adding shooting sports to the mission statement.

Motion: Hernbrode moved and Golightly seconded THAT THE COMMISSION VOTE TO NOT CHANGE THE ARIZONA GAME AND FISH DEPARTMENT'S MISSION STATEMENT AND THAT IT REMAINS EXACTLY THE SAME AS IS WRITTEN TODAY.

Vote: Aye - Melton, Golightly, Hernbrode  
Nay - Martin  
Passed 3 to 1  
McLean absent

\* \* \* \* \*

#### 14. Litigation Report

The Commission was provided with the monthly Litigation Report prior to this meeting for review. The Commission had no comments or questions.

\* \* \* \* \*

#### 15. Call to the Public

There were no request from the public to speak.

\* \* \* \* \*

#### 16. Director's and Chairman's Report

Chairman Melton reported that he attended the December Commission meeting.

Director Shroufe reported that he worked on budget issues and has talked to the Attorney General's Office regarding litigation cases

\* \* \* \* \*

#### 17. Commissioners' Report

Commissioner Hernbrode met with the Chairman of the Malipai Borderlands Group; and also met on two occasions with the Southern Arizona Sportsman's Alliance, with one of those meetings including Sky Alliance.

Commissioner Golightly spent a lot of time on legislative matters, working specifically on budgets; spent a week at the WAFWA meeting in Tucson; and worked with the Habitat Management Plan in the Region III area.

Commissioner Martin attended the WAFWA meeting; visited the Perrin Ranch to assess road closure request there; accompanied Department staff to meet with a member of the Senate to discuss the budget; and communicated with the public on various issues.

\* \* \* \* \*

1. (continued) State and Federal Legislation

Assistant Director Mike Senn reported on an OHV legislation meeting he attended with Commissioner McLean and others this afternoon. The group tried to reach broad areas of agreement, which they did. The broad areas of agreement are basically the same as the plan presented to the Commission by Mr. Guiles at the December Commission meeting on OHV legislation. In summary, the funding was from a repeal of the vehicle licensing tax (VLT) and some type of annual validation sticker. The revenue amounts are still the same. The cost of the sticker proposed will be required to be made in rule, but it was discussed that there may be an initial fee of \$50.00 for someone buying or transferring a vehicle and then a \$20.00 annual renewal fee. The amounts regarding the percentages are exactly the same as presented by Mr. Guiles. There is still some minor language that Representative Weiers asked the Department to re-work with the OHV Coalition. Mr. Senn will be doing that next week with legislative staff, a member of the Coalition, and someone from State Parks. Final bill language should be completed by the end of next week.

\* \* \* \* \*

18. Approval of Minutes and Signing of Minutes

**Motion:** Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR DECEMBER 9, 2006.

**Vote:** Unanimous

4 to 0

McLean absent

There were no minutes to sign at this time.

\* \* \* \* \*

21. Future Agenda Items

Commissioner Hernbrode requested as a future agenda item, if possible by March, the status of the Southern Bald Eagle and discussion with Department Nongame staff and the Maricopa Audubon.

The Commission directed the Department to communicate to the Maricopa Audubon the Department's intention to agenda this item once the data analysis is completed, and that the data analysis will be completed as soon as possible.

Mr. Ferrell captured the following future agenda items/action items:

- Attempt to expand the language of SB1026 and 1029 so that the bills' provisions treat OUI equally to DUI.
- Conduct a fiscal impact analysis on HB2144
- Investigate the status of alleged litigation against the states of Minnesota and Maine that would ban trapping due to potential take of endangered species.

- Identify potential legal and administrative options to force movement by BLM on the Big A Allotment analysis
- Estimate the development time for Phase I and II of the Northern Arizona Shooting Range after all planning requirements are completed
- Re-agenda the Director's Goals and Objectives for the public session of the February 2007 Commission Meeting
- Provide a presentation to the Commission that explains the probable causes of fish kills in Saguaro, Canyon, and Apache Lakes. Also, present a plan that could explain and compensate for these fish kills. Include in the plan an evaluation of stocking smallmouth bass, walleye and other warmwater species, potential research projects, and water management. Schedule on Saturday of the March Commission meeting in Tucson and invite Dr. David Walker of the University of Arizona to the March Commission Meeting
- Communicate in a letter for the Director's signature to the Maricopa Audubon Society that we will discuss in a future public Commission Meeting our evaluation of the status of the southern bald eagle.

\* \* \* \* \*

Chairman Melton adjourned the meeting.

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Meeting adjourned at 4:47 p.m.

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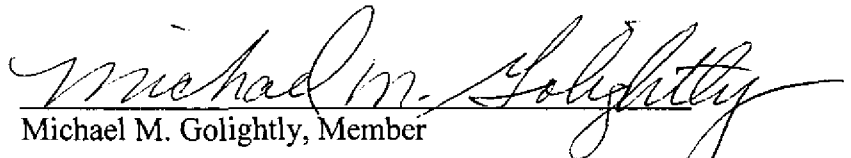
Saturday, January 20, 2007 – 1:30 p.m.

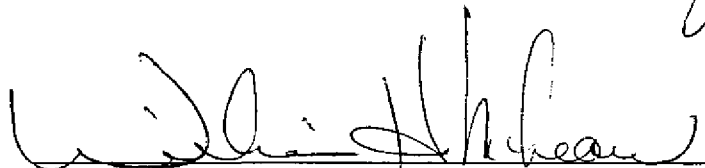
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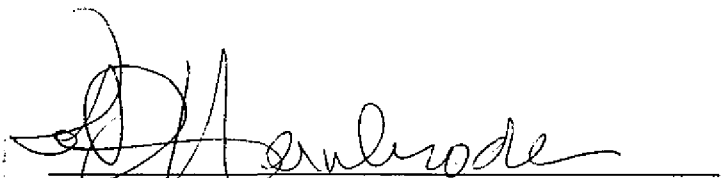
The Commission met with its constituents to discuss items of interest; this discussion was followed by a Commission awards banquet, which adjourned at approximately 9:00 p.m. No official action was taken.

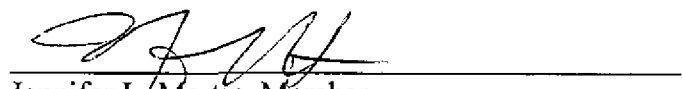
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Joe Melton, Chairman

  
Michael M. Golightly, Member

  
William H. McLean, Member

  
Robert Hernbrode, Member

  
Jennifer L. Martin, Member

ATTEST:

  
Duane L. Shroufe  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
January 19, 2007**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. ***State v. Johnson, CV2005-002692.*** On February 14, 2005, the State of Arizona ("State") filed a multi-count complaint against land developer George Johnson and related individuals and entities ("Defendants") alleging that Defendants: (1) bulldozed over 270 acres of State Trust Lands and 2,415 acres of other lands in and near the Ironwood Forest National Monument ("Monument") and the Los Robles Archeological District; (2) irreparably damaged protected archeological sites on State Trust Lands; (3) destroyed thousands of protected native plants; (4) discharged pollutants into waters of the State and altering and damaging watercourses of the State; (5) breached the terms of a State grazing lease; and (6) allowed diseased domestic goats to roam into the habitat of the Silver Bell desert bighorn sheep herd on the Monument, thereby infecting 47 desert bighorn sheep with keratoconjunctivitis and contagious ecthyma and causing the deaths of 21 members of the herd.

Along with the Complaint, the State filed a motion to place the case into Arizona Superior Court's Complex Litigation Pilot Program.

On March 18, 2005, the State filed an amended Complaint wherein the State Land Department added claims for waste and punitive damages.

On March 25, 2005, the Court issued an order designating the case as complex and assigning the matter to Judge Rebecca Albrecht. The parties held a case management conference before Judge Albrecht on May 11, 2005.

On May 23, 2005, Defendants filed motions to dismiss the Commission's negligence per se and unlawful killing of wildlife claims. Defendants did not move to dismiss the Commission's negligence claim. The Attorney General's Office filed responses to Defendants' motions on June 21, 2005. Defendants filed reply briefs in support of their motions to dismiss on July 6, 2005, and the Court heard oral argument on the motions on July 21, 2005.

On August 23, 2005, the Court issued a ruling denying both of Defendants' motions to dismiss. On September 15, 2005, the State filed a Second Amended Complaint at the Court's direction to more fully address the State's basis for asserting personal liability against George Johnson for certain of the State's claims related to trespass, destruction of native plants, damage to archeological sites, and violation of water quality and storm water discharge laws.

On October 13, 2005, Defendants filed a counterclaim for defamation against the Attorney General and the Director of the Department of Environmental Quality arising from statements made to the press about the case. On October 14, 2005, Defendants filed an answer to the State's Second Amended Complaint. As required by Rule 26.1 of the Arizona Rules of Civil Procedure, the parties

will exchange comprehensive disclosure statements regarding the factual and legal basis of the claims in the case on November 10, 2005.

The parties served initial disclosure statements on November 10, 2005, and are working on a proposed case management order. Due to the retirement of Judge Albrecht, the case was transferred to Judge Barton. The defendants filed a notice of change of judge with respect to Judge Barton, and the case has been reassigned to Judge Kenneth L. Fields. Judge Fields has scheduled a status conference for February 13, 2006 to discuss the proposed case management order. The parties held a status conference before the Court on February 27, 2006. The Court ordered the parties to prepare a Joint Case Management Order no later than noon on March 8, 2006. The parties have started the written discovery process, and depositions will commence the second week of May.

The parties held a status conference on June 5, 2006, and filed a Joint Alternative Dispute Resolution Statement with the Court. The parties agreed to mediate this dispute, and have Tom Toone of Beer & Toone to serve as mediator. On August 7, 2006, the parties filed their respective mediation statements. The mediation took place on August 18, 2006, but the parties were not able to resolve the dispute. Following the mediation, the defendants noticed the depositions of several Department employees. **These depositions took place in the fall of 2006. The depositions of Department witnesses Jim Heffelfinger and Brian Jansen will take place in early-2007.**

**2. *Charles M. Johnson v. Arizona Game and Fish Department*, LC2006-000775.** On November 13, 2006, Charles M. Johnson filed a Complaint in Arizona Superior Court appealing the Commission's orders revoking his license privileges for three (3) years, requiring him to complete a hunter education course before obtaining another license to hunt in Arizona, and denying his request for a rehearing. Mr. Johnson filed with his Complaint an Application for Order to Show Cause ("Application") asking the Court to stay his license suspension pending the outcome of the appeal. On November 17, 2006, Game and Fish filed an Opposition to Mr. Johnson's Application. On November 21, 2006, the Court issued a minute entry finding that Mr. Johnson's Application was "neither procedurally appropriate nor substantively adequate" and declining to issue a stay.

**The parties held their first status conference before the Court on January 10, 2007. The Court set the briefing and oral argument schedule as follows: (1) Johnson's Opening Brief due March 5, 2007; (2) the State's Response Brief due April 16, 2007; (3) Johnson's Reply Brief due May 16, 2007; and (4) Oral Argument on May 30, 2007 at 9:00 a.m.**

(1/17/07) (JFO/SDC)

**Lands Update**  
For the Arizona Game and Fish Commission  
January 19, 2007  
Glendale, Arizona

**U.S. FOREST SERVICE**

**Apache-Sitgreaves National Forests**

The Department continues to coordinate with the Forests regarding the proposed Travel Management Plan. The Department is concerned about three issues. The first is the existing road system on the Forests that the Department is reviewing and providing comment to ensure important roads are accessible for critical wildlife management activities. Other comments in this issue are related to areas of excessive road densities, inappropriate road locations, and hunter access. The second issue relates to the future management of dispersed camping areas. The third issue relates to the future of existing wildlife habitat on the Forests. Several areas are closed to vehicular access on a permanent or seasonal basis to provide quiet areas for wildlife. The Forests will study the function of existing areas, whether or not new areas should be designated through the Travel Management process, and the level of habitat connectivity between these areas. The Department's comments will be provided to the Forests by the end of January.

The Department and Forests developed a new cooperative agreement that will provide flexibility for the two agencies to apply prescribed fire to meet Department management objectives on the eight Commission-owned properties located within the Forests' boundaries. The properties that will be included in this agreement are Vincent, Dye, Wolfe, Tillman, Duran, Bear Springs, P.S. Ranch, Fite, and Sipes White Mountain Wildlife Area. Under the terms in the final agreement, the Department will annually coordinate with the Forests to determine appropriate treatments for prescribed burns and then develop specific task orders.

The Department was notified that the Arizona Water Protection Fund Commission approved funding for the Fairchild Draw Riparian Restoration Project, which is located on the Black Mesa Ranger District. The grant application that was submitted by the Department requested \$172,674 to construct an elk exclosure to provide for the conservation and recovery of approximately 16 acres of wet meadow, which includes one mile of intermittent stream, from the impacts of continued heavy elk use. In addition to the construction of 2.2 miles of an 8-foot high elk fence, project activities include various vegetative treatments.

In November, the Department repatriated Apache trout into historical habitat in the upper East Fork of the Little Colorado River and Fish Creek, both located in Apache County. Both streams were chemically treated in 2004 and 2005 to remove non-native fish in order to prepare the streams for the reintroductions.

The Department assisted in efforts to repatriate speckled dace into Double Cienega Creek in Apache County. Double Cienega Creek, a tributary of Fish Creek, was chemically

treated in 2004 and 2005 to remove non-native fish preparation for repatriation with threatened Apache trout.

The Department coordinated with the Alpine Ranger District to enhance a fish barrier on Conklin Creek, an Apache trout recovery stream in Greenlee County. The enhancement will further protect this stream from re-invasion of rainbow trout.

The Department participated in a workshop in Pinetop-Lakeside led by the Department of Environmental Quality and the Show Low Creek Watershed Enhancement Partnership Committee (WEPC) regarding excessive nutrient and nuisance aquatic weeds in Rainbow Lake. A recommendation that was proposed from the workshop was for the Department to continue with aquatic weed harvesting and dredging was proposed to remove nutrients in bottom sediments. The WEPC is currently developing a dredging proposal for 319 grant funds. The Department is participating in a work group concerned with aquatic weed issues.

### **Coconino National Forest**

The Department continues to participate on the Greater Flagstaff Forest Partnership (GFFP) to analyze fuels reduction projects. The Eastside Fuels Reduction Project was appealed by the Center for Biological Diversity in late November 2006, delaying the Record of Decision for the Forest until January 2007. Elements of the appeal the Forest has chosen to review deal primarily with Forest Plan inconsistencies related to old growth allocation and the geographic boundary of the Wildland-Urban Interface. Eastside project activities, including the cliffrose rejuvenation project at Mount Elden, are scheduled to begin in spring 2007. The Forest and the Department will cooperatively identify experimental exclosures in cliffrose stands, implement prescribed treatments, and collect cliffrose seeds. The Flagstaff Arboretum and Flagstaff public schools will assist in these efforts.

The Department is also participating with the GFFP in Jack Smith/Schultz Fuels Reduction Project. The Forest remains undecided as to whether or not this project is within the authority of the Healthy Forests Restoration Act. A majority of the project is not within the mandatory Wildland-Urban Interface. The Department recently presented a draft document outlining desired conditions for wildlife in ponderosa pine forests to better communicate wildlife habitat recommendations for fuels-reduction/forest restoration. The Forest will incorporate many of the Department's recommendations for forest structural heterogeneity into the Desired Future Conditions of the Project, with implications for future projects outside the GFFP boundary.

The Department continues to work with the Forest on the implementation of SB 1441 funding for Anderson Mesa. The contract for archaeological surveys has been issued to conduct surveys on 15,000 acres scheduled for vegetative treatment. The Department met with the Diablo Trust and NRCS to develop plans and agreements for the potential match of SB 1441 funds. The Diablo Trust is completing the funding application and is working with the Department on the Stewardship Agreement.

The Coconino and Kaibab Forests are proceeding with work on the Travel Management Plan. The Department is reviewing road maps and making recommendations. A wet road system has been proposed that could be managed to provide access under most weather conditions and resolve issues associated with resource damage.

#### **Coronado National Forest**

The Department continues to participate on the Forest ID Team regarding the Pinaleno Ecosystem Restoration Project. A national forest planning team will assist the ID Team with completion of the proposed action and NEPA compliance. An EIS is being considered for the project. The forest planning team quickly comprehended the complexity of designing a project that will consider the many needs of listed and sensitive species, particularly the Mount Graham red squirrel, while saving the mixed conifer forest from further losses caused by fire and tree diseases.

The Department attended a public meeting regarding the Forest's Travel Management Plan, which focused on the Santa Catalina and Nogales Ranger Districts. Public meetings for other ranger districts will be held in spring. The Department will be participating in the Travel Management planning process on a unit-by-unit basis.

#### **Kaibab National Forest**

The Department continues to be involved with the North Kaibab Westside Habitat Project to improve mule deer habitat through tree thinning and forage planting treatments. The Decision Notice and final Environmental Assessment have been delayed, but will likely be released by the Forest within the next few weeks. The first vegetative treatments are scheduled for this spring.

The press release for Warm Fire recovery was published in the *Arizona Daily Sun*. The recovery efforts for the wildfire portion consist of approximately 40,000 acres. The Proposed Action outlines that an Environmental Impact Statement will be completed in order to salvage 9,990 acres, and reforest approximately 14,690 acres. In addition, the Proposed Action calls for 4,050 acres of natural regeneration of aspen. Initial comments are due on January 26; however, planning for this project is expected to be lengthy and controversial. The Department will comment on the potential effects of treatments on wildlife throughout the NEPA process. The Department continues to be concerned with the eastern portion of the fire area that affected mule deer habitat. A field trip previously scheduled to view the area was cancelled; however, the site will be visited with the Forest as soon as weather allows to discuss possibilities and alternatives for restoration.

#### **Prescott National Forest**

The Department received the scoping notice for the Sycamore/Willow/V-Bar Livestock Grazing Project located in Game Management Unit (GMU) 21 within Agua Fria grasslands and pronghorn range. These three allotments, combined with the three currently going through analysis under the Dr. T Grazing Project, comprise most of the pronghorn habitat on the Forest in GMU 21. The Department is currently planning vegetative thinning projects with the Forest to improve habitat for pronghorn.

The Department and NRCS met with Karen Peters, permittee on the Petroglyphs Ranch, to discuss her Wildlife Habitat Incentive Program application. The agencies have been asked for funding to fence and protect a small perennial riparian area of Partridge Creek in Game Management Unit 19B. The application also includes planting of riparian vegetation.

The Department visited the Yavapai Ranch (Fred Ruskin, permittee) to evaluate an ongoing vegetative removal project on the western portion of the ranch to enhance grassland habitat for pronghorn and grassland bird species. Approximately half of the project is completed at this time (approx. 1700-1800 acres). The Forest has given the rancher permission to remove juniper under 6 feet on public lands, which will involve additional planning.

#### **Tonto National Forest**

The Department met with the Forest and U.S. Fish and Wildlife Service to plan and implement priority leopard frog recovery actions for 2007 within the Gentry Conservation Management Zone (CMZ) and for Ellison Creek. Egg masses were collected last spring for headstart at the Phoenix Zoo and approximately 1100 metamorphs and tadpoles were released at five sites on the Forest within the Gentry CMZ. Habitat improvements were also made at several locations, and several potential release sites have been identified for expansion of recovery actions. Site visits for 2007 in the Ellison Creek headwaters area will combine surveying for egg masses and frogs, habitat mapping, and identifying potential habitat renovation/enhancement projects. Additional tank renovation projects are planned for Trail, Pine and Ramer Tanks. A multi-agency meeting is planned with the Little Green Valley Grazing Complex (Ray Tanner, permittee) regarding future frog conservation actions.

The Department assisted the Forest Riparian Monitoring Team for the Canyon Creek Riparian Restoration Project. Data on existing vegetative cover and stream channel condition will be used to evaluate project success and will be comparatively analyzed with other data. The Department conducted elk utilization and photopoint monitoring inside and outside the elk exclosure. Repairs on the exclosure are being made as needed.

### **BUREAU OF LAND MANAGEMENT**

#### **Tucson Field Office**

The Department is waiting to hear from BLM regarding preferred alternative transportation management plan workshops for Game Management Unit (GMU) 37B north of the Florence-Kelvin Highway. BLM stated that comments would be accepted starting in January regarding potential alternatives. BLM revised the maps to show only their lands; therefore, Forest Service and State lands were not included in the planning. This is contrary to the previous five years of management planning and participation from both the Forest Service and State Land Department.

### **Safford Field Office**

The Department is a cooperating agency in the development of the Aravaipa Management Plan. The Department and other planning team members reviewed BLM's comments, which were incorporated into the current draft document. Logan-Simpson Design, the consultant preparing the Environmental Assessment (EA) for the management plan, provided clarification of some issues for the EA and gave a briefing to the team regarding its progress. An additional meeting will be held in January to continue refining the draft Plan.

### **Kingman Field Office**

The Department met with BLM, ADOT, and their consultant to discuss wildlife issues related to expansion of State Route 95 from its junction with Interstate 40, north to State Route 68 east of Bullhead City. The project consists of a new four-lane highway along the western foothills of the Black Mountains for approximately 40 miles. The Department expressed concern about the location of the northern junction since the proposed location is within one mile of an existing bighorn sheep crossing on State Route 68. The Department recommended moving the junction further west to avoid the existing crossing.

The Department submitted three concept proposals to better evaluate potential impacts of the roadway on a significant desert tortoise population. Research proposals were submitted to refine and test a soil/topographical model for predicting desert tortoise habitat; evaluate the desert tortoise crossing structures constructed on US 93 in northwest Arizona and movement patterns of desert tortoises within the proposed Highway 95 project area west of the Black Mountains and identify the placement and use of roadway underpass structures. The Department will continue to participate on Technical Advisory Committees associated with this and other highway expansion projects in Mohave County. The next meeting related to SR 95 is January 26.

The Department participated in a meeting with ADOT and BLM regarding highway developments in Mohave County. The Department provided fencing recommendations to ADOT to prevent feral burros from crossing State Route 95 north of Lake Havasu City. The BLM plans to remove all burros west of the highway in order to alleviate vehicle-burro collisions in the area. The Department supports this strategy; however, BLM is waiting for the Land Use Plan to be finalized prior to burro removal. The Land Use Plan is currently under protest, and ADOT remains liable for collisions between vehicles and burros.

A letter was received from BLM requesting the Department's participation in the permit renewal process for seven livestock grazing allotments in Mohave County. Most of the allotments, including Big Ranch A, have been scheduled for renewal for several years. The Department protested the Big Ranch A evaluation in 2003 because bighorn sheep needs were not adequately addressed. The BLM has made several commitments to re-evaluate the allotment since then, the most recent being December 2006, but no new timeline has been provided. The Department will provide the Commission with

alternatives to expedite the evaluation of this allotment. The Department will also participate in the renewal of other permits to ensure wildlife needs are considered.

#### **Phoenix-Field Office**

The Department met with BLM and their consultant to discuss potential mitigation ideas for the new Transwestern pipeline through BLM lands south of Mayer. While most of the pipeline is being replaced within the same trench, Transwestern proposes to relocate 17 miles of the line. The Department and BLM recommended that mitigation dollars be provided to close and rehabilitate an equal length of roads in other locations in exchange for the new road. Additionally, mitigation for desert tortoise impacts is being considered. A meeting will be scheduled in the near future to complete a mitigation package.

#### **BLM NATIONAL MONUMENTS**

The Department continues to be involved as a Cooperative Agency in the planning efforts for the five national monuments and the adjacent BLM landscapes, through direct participation in meetings and workshops or by reviewing draft documents and providing verbal and written comments. The Department continues to meet with the BLM State Office to discuss direction regarding consistency issues pertaining to transportation, recreation, and management of lands containing wilderness characteristics, among other resources. The Department supports consistent directives and is working with BLM to ensure they are incorporated into the planning efforts for each Field Office. The Department continues to work with the BLM State Office to finalize the statewide MOU consistent with Commission direction. We anticipate that BLM will be forwarding the draft MOU to the Solicitor's Office in the new few weeks.

#### **Grand Canyon-Parashant National Monument**

The public review period ended on March 17, 2006 for the draft RMP/EIS. The plan includes the identification of a series of unique route networks designed for each alternative concept, including the preferred alternative. The Department continues to participate in Cooperating Agency and public meetings and provided input and comments throughout the public comment period. The Department continues to work closely with BLM at both the Field Office and State Office levels to address comments submitted regarding wildlife and wildlife management.

#### **Vermillion Cliffs National Monument**

The planning efforts for the Vermillion Cliffs NM are incorporated into planning efforts for the entire Arizona Strip District.

#### **Agua Fria National Monument**

The public review period ended on April 5, 2006 for the draft RMP/EIS. The Department will be working closely with BLM to address any comments submitted regarding wildlife and wildlife management.

#### **Sonoran Desert National Monument**

The Phoenix Field Office continues to work on finalizing the range of alternatives along with the development of a preliminary preferred alternative. The Department continues

to participate in cooperative meetings and is also proactively developing comments throughout the planning process.

#### **Ironwood Forest National Monument**

The Department continues to meet with BLM to review and discuss Department comments on the latest draft range of alternatives for biological resources, grazing, recreation, water developments, transportation and public access. The Department submitted updated comments to the Field Office, and our efforts to incorporate those and additional comments into the preliminary draft alternatives will continue. The Department will also continue to review and provide comments on any updated drafts as they become available.

### **U.S. FISH AND WILDLIFE SERVICE**

#### **Tucson Ecological Services Office**

A meeting was held with the Service regarding the Department's participation in the Technical Subcommittee of the Gila-San Francisco Coordinating Committee (GSFCC), which is evaluating the biological feasibility of alternatives to implement the Arizona Water Settlement Act to permit diversion of 140,000 acre-feet of water from the Gila or San Francisco Rivers to meet New Mexico's allocation of water. There are four potential diversion sites for the Gila River and four potential diversion sites for the San Francisco River in New Mexico. The Subcommittee developed the scope of work for 16 studies to gather data to evaluate the impacts in Arizona and New Mexico of the water diversion. This data will assist in the development of the Fish and Wildlife Coordination Act Report that is due in 2009.

#### **Cabeza Prieta National Wildlife Refuge**

The Department continues to work cooperatively with the Service on completion of the Comprehensive Conservation Plan for the Refuge. The Department met with the Service to discuss the draft final plan and awaits release of the final plan.

### **DEPARTMENT OF DEFENSE**

#### **Barry M. Goldwater Range**

The final EIS/INRMP for the Goldwater Range has been released to the public. No formal comments were received during the comment period and the Department of Defense recently released a draft Record of Decision for agency review and comment.

#### **Yuma Proving Ground**

The Yuma Proving Ground (YPG) is proposing to expand military training activities into Game Management Unit 41 through a withdrawal of BLM land. The YPG staff completed the initial information gathering and evaluation phase and is starting the Army's process for approval of a withdrawal. The application process will further define the purpose and need for the mission. The timeline for completion of the withdrawal process is at the end of the 2008 Congressional session. The Department will be actively participating in this process and will provide the Commission with more information on this proposal when it becomes available.

### **Camp Navajo and the Naval Observatory**

The Department is participating with Camp Navajo and the Naval Observatory on natural resources planning efforts, which will include wildlife and wildlife habitat needs. Camp Navajo has been gathering new survey and management data on wildlife species in cooperation with the Department.

## **LANDOWNER RELATIONS AND PUBLIC ACCESS**

### **Galiuro Mountains, High Creek Road**

The Department is finalizing construction of the new High Creek Road. This road will restore public access to thousands of acres of Forest Service and State Trust lands in the High Creek, Harrison Canyon, and Paddy's River areas of the Galiuro Mountains. The Department applied for a special use permit with the Forest to reconnect the new road to the existing Forest road system.

### **Whetstone Mountain Access**

The Department submitted a revision of an earlier version of an Environmental Assessment that evaluates the impacts of reopening an existing road across BLM land near the Empirita Ranch. The project entails the BLM granting a perpetual easement to the Department provided that we improve the road to BLM lands across State Trust land and install a cattle guard at the boundary. The Department will attend the BLM meeting in January 2007 to address NEPA issues regarding reopening the roadway.

### **Aravaipa Canyon, BLM Safford**

Access issues remain unchanged along Aravaipa Road at the east entrance of BLM's Aravaipa Wilderness Area. The gate to Aravaipa Canyon is currently open and access is allowed through the landowner's property. The Department and BLM met in December to discuss alternatives to establishing perpetual public access into Aravaipa Canyon and the Santa Teresa Mountains. The Department is evaluating the legal status and issues of several roads in the Aravaipa Canyon area, and will provide the Commission with a briefing later this spring.

## **GENERAL UPDATES**

### **Coconino County**

The Department has been working with several non-profit groups on the Wildlife Conservation Society (Doris Duke Foundation) funding grant that is tied to the Comprehensive Wildlife Conservation Strategy. The Grand Canyon Trust's pre-proposal was accepted for work on the Kaibab Plateau, which will involve development of a spatially explicit model for cheatgrass expansion. The Greater Flagstaff Forest Partnership's (GFFP) cliffrose reseeding project was not selected for a full proposal, but the GFFP and Flagstaff Arboretum will continue to explore funding opportunities to partner with the Department.

The Department continues to review several Coconino County Planning and Zoning projects. In 2006, the Department collaborated with Coconino County to implement wildlife conservation planning strategies on 15 new residential subdivision projects.

#### **Willow Springs Development**

The Department continues to await contact from the developer regarding funding for water catchments as mitigation for the loss of wildlife waters within the boundaries of the new development. Pinal County had made several stipulations on the Willow Springs application for subdivision, including a requirement to work with the Department to mitigate wildlife impacts and potential future nuisance wildlife problems.

#### **Resolution Copper Company**

The Department met with representatives from Resolution Copper regarding Heritage Data Management System queries for potential sites in Telegraph and Martinez Canyons south of Superior in northern Game Management Unit 37B for waste deposition from the prospective mine east of Apache Leap. The Company is aware of environmental concerns associated with these sites, which contain important bighorn sheep and native fish habitats. The Company wants to introduce a bill to trade several private parcels with high riparian value for lands on the Tonto National Forest to facilitate mining activities. Currently, the project is in the exploration/feasibility stage and an EIS should be completed in January 2009.



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Arizona State Office  
222 North Central Avenue  
Phoenix, AZ 85004  
www.az.blm.gov



In Reply Refer To:  
4000 (932)

July 5, 2005

RECEIVED

JUL 11 2005

Duane L. Shroufe, Director  
Arizona Game and Fish Department  
2221 West Greenway Road  
Phoenix, Arizona 85023-4399

Dear Duane:

I have received your May 11, 2005, letter which expressed concern regarding the Big Ranch A Allotment Rangeland Health Evaluation and proposed decision. We certainly understand your concern with grazing use in the allotment since the long period of drought; disease and predation have reduced sheep numbers.

I have been in contact with our Kingman Field Office (KFO) to discuss this situation. They have assured me that dealing with the Big Ranch A Allotment is a high priority for the KFO. In addition, they informed me that they have been in regular discussions with your Region III office about the critical nature of the issues and have outlined a schedule to complete the evaluation and issue a final decision. These discussions have occurred at the last three Kingman BLM, Game and Fish Region III coordination meetings.

Here is the schedule the KFO has informed us they can meet:

- June 1 to August 31, 2005, review all existing data on the allotment against points raised in the Game and Fish letter dated November 11, 2003, and collect trend and upland health data at key areas.
- September 1 to October 30, 2005, collect additional data as needed to completely address November 11, 2003, letter.
- November 1 to December 15, 2005, complete analysis of data and issue new proposed decision.
- If no protests are received, the decision would be final after 30 days.

As you can see, the KFO will not complete the evaluation this fiscal year ending on September 30, 2005. The majority of the necessary staff is involved in data collection and analysis for the Crozier Canyon Allotment, another high priority for your Department.

BLM will continue to work with the Department, and grazing permittees on issues relating to the day-to-day management under the existing grazing permit. Any grazing management actions taken will be done consistent with the Arizona Standards for Rangeland Health. Burros will continue to be managed under the decisions made in the Black Mountain Ecosystem Management Plan, which set the appropriate management level for burro numbers.

The KFO will also be working on the Black Mountain Ecosystem Management Plan Evaluation.

The following schedule has been set for work on the Ecosystem Plan:

- August 1 to October 31, 2005, compile and analyze monitoring data.
- November 2, 2005, hold Black Mountain Ecosystem Management Team Meeting to discuss preliminary results.
- November 3, 2005, to January 31, 2006, complete evaluation.
- February 1, 2006, mail completed evaluation and issue decisions as necessary.

As you know, BLM-Kingman is committed to improved communication between our agencies. We have established monthly coordination meetings with the Game and Fish Department Region III office. Their assistance on evaluations such as the Crozier Canyon Allotment has become the normal procedure for the Field Office. Additionally, they have also opened a direct dialog with Commissioner Golightly to keep him informed about BLM's activities and have requested his involvement in the Big Ranch A, and Crozier Canyon Allotment Evaluations.

I encourage you to have Region III personnel continue their commitment to improved communication as well.

Sincerely,



Elaine Y. Zielinski  
State Director

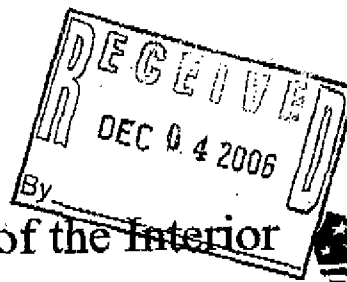
cc: Kingman Field Office Manager  
2755 Mission Boulevard  
Kingman, Arizona 86401-3629



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Kingman Field Office  
2755 Mission Boulevard  
Kingman, Arizona 86401  
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In Reply Refer To:  
4180 (AZ310)

November 29, 2006

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED: 7006 0810 0001 3817 5337**

Mr. Bob Posey  
AZ Game and Fish Department  
5325 Stockton Hill Road  
Kingman, AZ 86401

43 CFR 3809

Dear Reader:

The Bureau of Land Management (BLM) Kingman Field Office is considering the renewal of approximately ten existing livestock grazing permits or leases. The potential impacts of livestock grazing on the environment have previously been analyzed through the preparation of Environmental Impact Statements and development of Resource Management Plans for the public lands administered by BLM in Arizona.

Grazing permits or leases are issued for a period of up to ten years. As these permits or leases reach the end of their term, we must determine under what terms and conditions and for what period these permits and leases can be renewed. During this renewal process we review all previous documentation to determine whether the potential impacts of livestock grazing on the allotment have been adequately addressed in the previous documents or whether additional analyses are required before renewing the permit or lease. Additional analyses might be needed where there are new issues affecting livestock grazing management that were not previously addressed, where conditions on the allotment have changed, or where the previous analysis was not sufficiently site specific. If additional analyses are needed, we will prepare documentation as required by the National Environmental Policy Act (NEPA)

As part of the renewal process, Kingman Field Office will also prepare evaluations of current conditions and trend, and determine whether or not Arizona Standards for Rangeland Health and Guidelines for Grazing Administration are being met on each allotment.

The grazing regulations contain many provisions for public participation in the Bureau of Land Management's decision making process. Consultation, cooperation and coordination (CCC) with the ranching community and interested publics is the core of the public participation process and

provides the BLM decision-maker the opportunity to consider the most complete information before making decisions.

The grazing regulations define an interested public as:

An individual, group or organization that has submitted a written request to the authorized officer to be provided an opportunity to be involved in the decision making process for the management of livestock grazing on specific grazing allotments or has submitted written comments to the authorized officer regarding the management of livestock grazing on a specific allotment.

In an effort to create a more accurate mailing list and reduce unnecessary mailings, we are asking that you notify this office in writing of your desire to be recognized as an interested public for livestock grazing. The regulations require that you identify a specific allotment or allotments in which you are interested, rather than a blanket assertion that you are interested in all allotments. Therefore, your request to be recognized as an interested public should include the specific allotment(s) in which you are interested. Also please provide any allotment-specific resource data which you may have that would assist us in analyzing resource conditions on the allotment(s).

The following is a list of grazing allotments within Kingman Field Office where renewal of the grazing permit or lease is being considered, and evaluations are being initiated or continued. The number following each allotment is a reference number for the enclosed map.

Big Ranch A 3  
Cerbat 9  
Quail Springs 10  
Greenwood Peak Community 61  
Gray Wash 60  
Groom Peak 62  
Clay Springs 15  
Mineral Park 24  
Byner Allotments 52, 53, & 57

Evaluations for some of these allotments are continuing from previous years. If you are currently listed as an interested public for any of these allotments, you will continue to receive information as it becomes available.

Each year, we will update our list of interested publics with an annual announcement. Unless you have requested to be removed from our mailing list, you will continue to receive this announcement. Therefore, a "no response" at this time will not preclude you from receiving future announcements. Furthermore, you may at any time during the year submit in writing a new request or update a previous request.

If you should have any questions, please contact Jack Spears, Lead Rangeland Management Specialist, at (928) 718-3741.

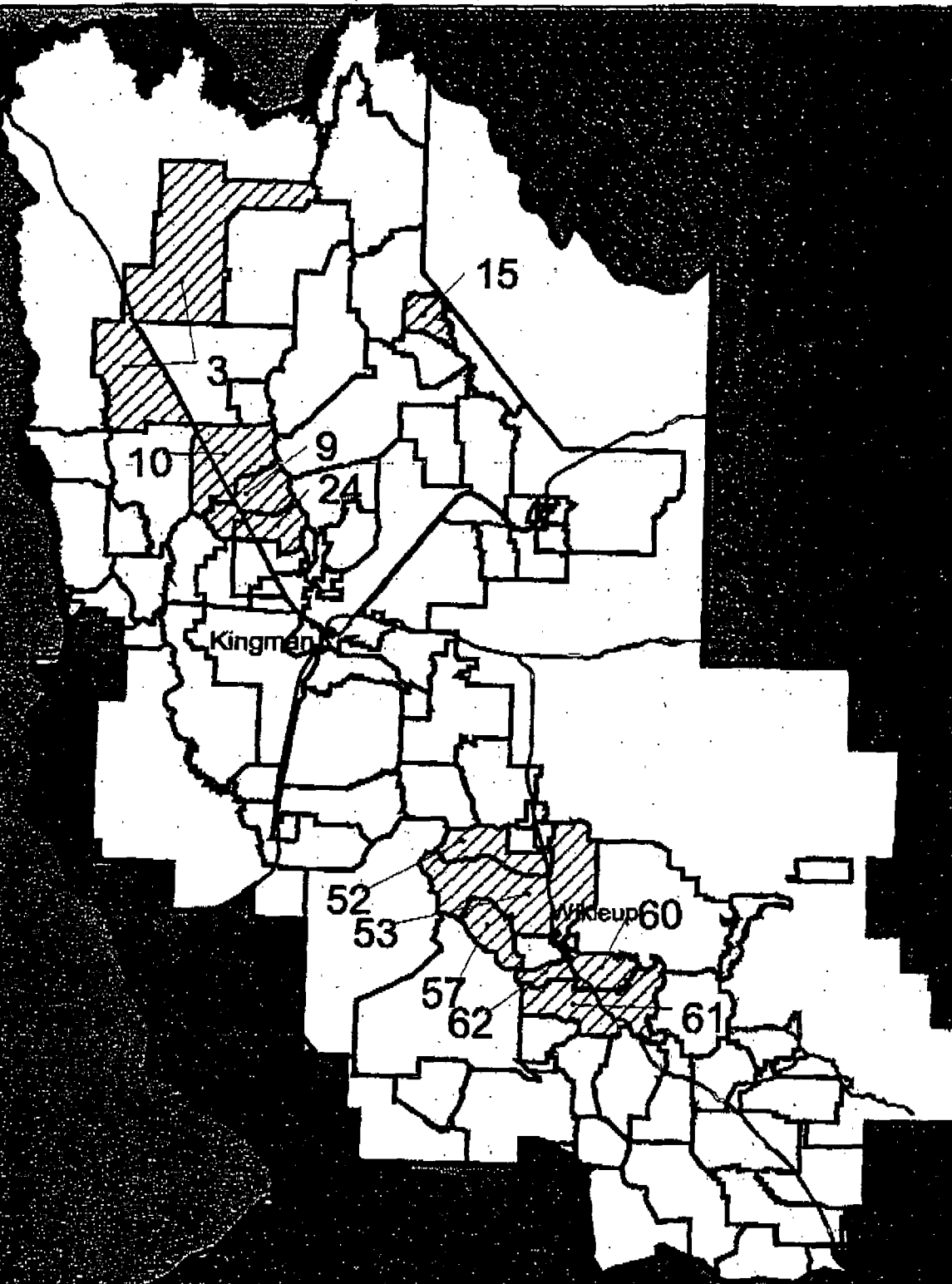
Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Hooper". The signature is stylized with a large, looped "R" and a cursive "Hooper".

Ron Hooper  
Assistant Field Manager

Enclosure (1) Map

# ALLOTMENT BOUNDARIES



Allotment Boundary



Evaluations 2007

10 0 10 20 Miles

